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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/010,547	1-1/08/2001	Cosmin Iorga	077311-0120	6760	
48329 7.	590 12/15/2006		EXAM	EXAMINER	
FOLEY & LARDNER LLP			GUTIERREZ	GUTIERREZ, ANTHONY	
111 HUNTING	TON AVENUE		C		
26TH FLOOR			ART UNIT	PAPER NUMBER	
BOSTON, MA 02199-7610			2857		
			DATE MAILED: 12/15/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Exercisive dine may be a variety under the provided of 30° FR1-13001, into event, however, may a reply be timely filled. If NO period for right is specified above, the maximum statutory pointed will apply and will expect SIX (8) MONTHS from the mailing date of this communication. Failur for prey which the set of excented partied for right will apply and will expect SIX (8) MONTHS from the mailing date of this communication. Failur for prey which the set of excented partied for right will be supposed to the communication, even if timely filled, may reduce any converge prair time majoration. Failur for prey which the set of excented partied for right will, but some control of the communication, even if timely filled, may reduce any converge prair time majoration. Status 1) Responsive to communication (s) filled on 24 August 2006. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-3.5-13 and 15-22 is/are pending in the application. 4a) Of the above claim(s) is/are eyielded. 5) Claim(s) 1-3.5-13.15 and 17-21 is/are allowed. 6) Claim(s) 1-3.5-13.15 and 17-21 is/are allowed. 7) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 16 and 22 are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on 08 November 2001 is/are: al accepted or by objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. 10) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All by Acknowledgment is made of a claim f		Application No.	Applicant(s)				
Anthony Gutierrez The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.	Office Action Summany	10/010,547					
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Example on a time may be available under the provisions of 37 CFR 1-30(a). In no event, horever, may a rayle be timely filled. - Example on the provision of the provisions of 37 CFR 1-30(a). In no event, horever, may a rayle be timely filled. - If No period for reply is specified above, the maximum shartory period will apply and well explose (X) MONTHS from the mailing date of this communication, reply in the mailing date of this communication, even if timely filled, may reduce any example and term adjustment. See 37 CFR 1-704(b). - Status 1) □ Responsive to communication(s) filled on 24 August 2006. 2a) □ This action is FINAL. 2b) □ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) 1-3.5-13 and 15-22 is/are pending in the application. 4a) Of the above claim(s)is/are withdrawn from consideration. 5) □ Claim(s)is/are rejected. - Claim(s)is/are rejected. - Claim(s)is/are objected to. - Signification Papers 9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filled on 08 November 2001 is/are: a) □ accepted or b) □ objected to by the Examiner. Application Papers 9) □ The paper and p		-					
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provision of 3° CFR 1:36½. In ne event, however, may a repty be timely filled after SIX (8) MODITIS from the mailing date of this communication. Failur for sprey which the six of consended parted for right (1) to the provision of the communication of the provision	The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address				
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DETAILED ACTION

Election/Restrictions

1. This application is in condition for allowance except for the presence of claims 16 and 22, claim 16 directed to an invention non-elected without traverse, which Applicant has included currently amended, and claim 22 newly added.

The amendment to claim 16 only provides further limitation within the scope of the invention of original claim 16, and not the scope of the elected invention. It does not provide sufficient limitation to overcome the showing of distinction and burden provided by the Examiner in the original restriction requirement.

Newly submitted claim 22 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: it depends on claim 16 addressed above, and also only provides further limitation within the scope of the invention of original claim 16, and not the scope of the elected invention. It also does not provide sufficient limitation to overcome the showing of distinction and burden provided by the Examiner in the original restriction requirement.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 16 and 22 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

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Art Unit: 2857

Allowable Subject Matter

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2. Claims 1-3, 5-13, 15, and 17-21 are allowed.

3. The following is a statement of reasons for the indication of allowable subject

matter:

Applicant's amendment includes language that overcomes Examiner's original

claim objections for claims 12, 13, and 15. Applicant's cancellation of claim 14 renders

moot Examiner's original objection to claim 14.

Applicant's amendment to the independent claims of the elected invention

includes language that provides sufficient limitation to the originally filed claims to

overcome the prior art of record.

The Examiner is persuaded by the reasons provided in Applicant's arguments,

filed 8/24/06, that the reference to Pierzchala et al. fails to teach the amended subject

matter. The Examiner considers this to be the closest reference of record to Applicant's

claimed invention. An updated search has not provided the Examiner with any new

grounds of rejection by anticipation or any fair motivation to combine references to

arrive at Applicant's claimed invention as amended.

Conclusion

4. This application is in condition for allowance except for the following formal

matters:

Claims 16 and 22, withdrawn due election by original presentation, are still

pending in the case and must be cancelled before allowance.

Art Unit: 2857

Prosecution on the merits is closed in accordance with the practice under Exparte Quayle, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Gutierrez whose telephone number is (571) 272-2215. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on (571) 272-2216. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

12/8/06

EDWARD RAYMOND PRIMARY EXAMINER Anthony Gutierrez Examiner Art Unit 2857